

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>KERRY L. BROWN,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 08-cv-468-DRH</b>
	)	
<b>JODI HATHAWAY, <i>et al.</i>,</b>	)	
	)	
<b>Respondents.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, Chief Judge:**

Before the Court is Petitioner's application for certificate of appealability (Doc. 8), along with his notice of appeal from the Order of this Court denying Petitioner's motion under 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 2253(c)(2), a certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." Further, Section 2253(c)(3) provides: "The certificate of appealability under paragraph (1) shall indicate which specific issue or issues satisfy the showing required by paragraph (2)."

Petitioner only reiterates the issues raised in his motion as grounds for this Court to issue a certificate of appealability. However, the Court finds that Petitioner has not made "a substantial showing of the denial of a constitutional right." Accordingly, the motion for a certificate of appealability (Doc. 8) is **DENIED**.

**IT IS SO ORDERED.**

**DATED:** December 19, 2008.

/s/ DavidRHerndon  
**DISTRICT JUDGE**